

THE EVOLUTION OF DEFENSE HUMINT THROUGH POST CONFLICT IRAQ

BY

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ABSTRACT

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The collection of intelligence using human sources is the oldest and most unique of the intelligence disciplines. It is the only technique that exploits the human dimension of conflict to determine an adversaries' intent for future actions. It is as much an art, as a science and has been subject to extensive scrutiny by policymakers through doctrinal and legislative controls. Because of its utility, HUMINT will continue to play a crucial role in all phases of campaign planning at the tactical, operational and strategic levels, and will be paramount to the achievement of our strategic objectives in Iraq as we transition from combat to stability and support operations. As such, the intelligence community and Department of Defense must draw on the historical experience associated with collaborative HUMINT operations to emplace an effective HUMINT enterprise to meet the needs of local and theater military commanders as well as national leadership. This paper will examine some of the historical experience of HUMINT within the Department of Defense and propose a set of recommendations for a more effective HUMINT effort in post conflict Iraq.

THE EVOLUTION OF DEFENSE HUMINT THROUGH POST CONFLICT IRAQ

Not long after the defeat of the Taliban in Afghanistan in the fall of 2001, the Bush administration began to shift its focus to the regime of Saddam Hussein in Iraq and the threat he posed to the United States by his potential association with known terrorist entities and the potential transfer and use of weapons of mass destruction (WMD).¹ As the theater campaign planners began the daunting task of designing their force structure and developing tactical and strategic objectives, the intelligence community (IC) was already in full motion. By the fall of 2002, the IC was actively providing extensive analysis, collection and other specialized intelligence support to policymakers and the military in preparation for Operation Iraqi Freedom.² In support of the administration's objectives to remove Saddam from power and locating suspected WMD, the IC employed the full spectrum of intelligence capabilities against the steadily evolving intelligence requirements. Then, in March, 2003, following the initial run on Baghdad, the US military established secure forward operating bases (FOB) to serve as headquarters compounds from which to launch tactical operations. As the FOBs were established, the IC began pushing the first contingent of human intelligence (HUMINT) collection assets forward.

Since US forces put boots on the ground in Iraq until the present, DoD HUMINT has played a key role in the achievement of the continuously evolving strategic military objectives, and until the last of the forces are redeployed, US HUMINT assets will continue to contribute to the successful achievement of local and theater military objectives. However, as the campaign continues to progress from combat operations to stability and peacekeeping, the role of HUMINT will change also. As such, the IC, and

specifically the DoD must re-examine the HUMINT mission and organizational structure to remain effective. This paper will review the development and progression of HUMINT, including some of the historical challenges of HUMINT within the IC, and the current HUMINT posture within Iraq today, with the intent to identify possible courses of action for the employment of HUMINT assets in Iraq to meet most effectively the strategic requirements of the local and theater commanders, the IC, and our national leadership.

The collection of intelligence using human resources has been practiced since the earliest recorded history. The *Old Testament* Book of Numbers describes an account wherein Moses sent spies into Canaan to gather information about the Promised Land.³ Then in the book of Luke in the New Testament, the scribes and high priests of the region sent spies into Jerusalem to collect information on Jesus in order to arrest Him.⁴

Even before that, a slightly different employment of HUMINT was used frequently by the ancient Chinese philosopher and military strategist, Sun Tsu. His teachings were captured in the renowned collection, *The Art of War*, which is considered one of the first known studies of the planning and conduct of military strategies. In the chapter on "Employment of Secret Agents", Sun Tzu proclaims,

Now the reason the enlightened prince and the wise general conquer the enemy whenever they move and their achievements surpass those of ordinary men is foreknowledge....What is called foreknowledge cannot be elicited from spirits, nor from gods, nor by analogy with past events, nor from calculations. It must be obtained from men who know the enemy situation.⁵

Sun Tzu routinely employed networks of spies to collect intelligence on battlefield conditions and enemy capabilities. This is an example of the early application of tactical HUMINT.

Using human assets to collect information has proven to be an invaluable method for gathering intelligence for centuries. It was not until the invention and development of technical collection methodologies such as electrical & electronic signals, photography and the eventual deployment of aircraft & satellites that other intelligence collection techniques were used. One of the most utilitarian aspects of HUMINT is that information gathered through human sources can determine the intent of an adversary. Other technical intelligence collection disciplines, such as Imagery Intelligence (IMINT) and Signals Intelligence (SIGINT) are widely used to capture visual and electronic snapshots in time or electronic data recordings which are subject to interpretation, but technical intelligence collection has its limitations. As former CIA Director William Casey stated before congress in 1981:

The wrong picture is not worth a thousand words. No photo, no electronic impulse can substitute for direct on-the scene knowledge of the key factors in a given country or region. No matter how spectacular a photo may be it cannot reveal enough about plans, intentions, internal political dynamics, economics, etc. There are simply too many cases where photos are ambiguous or useless, and electronic intelligence can drown the analyst in partial or conflicting information. Technical collection is of little help in the most difficult problem of all – political intentions. This is where clandestine human intelligence can make a difference.⁶

In today's volatile and uncertain environment, advanced warning of an adversary's intended course of action may potentially save countless lives and ultimately determine the outcome of a major conflict. Thus, the value of HUMINT to the warfighter cannot be overstated.

Current US Army doctrine defines HUMINT as the collection by a trained human intelligence collector of foreign information from people and multimedia to identify elements, intentions, compositions, strength, disposition, tactics, equipment, personnel and capabilities.⁷ It uses human sources as a tool and a variety of collection methods, both passively and actively to gather information to satisfy intelligence requirements. Some of these collection methods include debriefings, screenings, liaison, contact operations, document and media exploitation and interrogation, and are conducted using both overt and clandestine techniques. The information collected through HUMINT is analyzed, compared, contrasted and amalgamated with information obtained through other techniques and fed into the intelligence production process to assist both battlefield commanders and strategic decision makers in their planning process.

HUMINT is employed by DoD during the full spectrum of military operations. At the tactical level, HUMINT teams debrief sources and interrogate enemy prisoners, as well as conduct contact operations to satisfy commanders' immediate intelligence requirements. Operational HUMINT activities support theater and combatant command requirements and generally target a specific geographic area of responsibility. Operational HUMINT priorities generally focus on regional threat identification and adversarial capabilities. Finally, departmental and strategic HUMINT operations are performed by specially trained HUMINT assets supporting DoD and national priority intelligence collection requirements. Strategic DoD HUMINT responsibilities currently reside within the Defense Intelligence Agency, Directorate for Human Intelligence (DIA/DH).⁸

As mentioned above, the unique characteristic of HUMINT is that it allows one to get into the mind of a target. It is the sole intelligence discipline that provides insight into the “why” regarding the actions of an adversary. A skilled HUMINT agent will not only collect and report on the tasking, but dig deeper into the rationale, plans and intentions to forecast future activities. With such critical utility in both war fighting and national defense, one would believe DoD HUMINT has always been given top priority by our strategic military planners and civilian leadership. However, this is not the case. In fact, within DoD, HUMINT has experienced the ebb and flow of attention and support as threats to our national security surge and subside. The first real effort to establish a formidable DoD HUMINT capability was in the mid 1940’s when the Truman administration placed significant emphasis on the improvement of military intelligence to prevent another Pearl Harbor. Later, throughout the Cold War, each of the services created HUMINT capabilities to recruit spies and debrief individuals of interest in order to gather information about foreign weapons systems, doctrine, and other matters of interest to military officials. Then, following the 9/11 attacks, the DoD HUMINT effort again surged forward in Afghanistan and Iraq with operations to support the Global War on Terror.

The intelligence enterprise, to include both technical and HUMINT collection, analysis and production processes, has been shaped and transformed many times, at the agency and departmental levels, based upon the ever-changing threats to national security. It is through this continual evolutionary process that we have developed our current national intelligence architecture. At the national policy and doctrinal level, there have been three significant events that have contributed to the transformation of our

intelligence structure, specifically with regard to HUMINT. These are the National Security Act of 1947, the creation of the Defense HUMINT Service,⁹ and most recently, the Intelligence Reform and Terrorism Prevention Act of 2004.

The National Security Act of 1947 was the first major effort to organize a national intelligence infrastructure. The Act established the Central Intelligence Agency (CIA), which grew out of the World War II era Office of Strategic Services and small post-war intelligence organizations. Upon its establishment, the CIA served as the primary civilian human intelligence gathering organization in the government.¹⁰ The Act also created many of the institutions that the President needed to formulate and implement foreign policy, including the National Security Council (NSC). The Council included the President, Vice President, Secretary of State, Secretary of Defense, and other members, who meet at the White House to discuss both long-term problems and more immediate national security crises.¹¹ The Council serves as the President's principal forum for discussing national security and foreign policy matters, and the Director of Central Intelligence served as an advisor to the President on intelligence matters and was the statutory intelligence advisor to the NSC, until that responsibility was transferred to the newly established Director of National Intelligence in 2004.¹²

The second major event was consolidation of Defense HUMINT under the Defense Intelligence Agency and the stand-up of the Defense HUMINT service (DHS), which achieved its initial operating capability on 1 October, 1995.¹³ Following WWII, the service component HUMINT capabilities were limited. Although the Navy and Air Force maintained modest programs in the 1970's, a series of military intelligence organizational changes resulted in the Army retaining the sole HUMINT capability of any

significance.¹⁴ However, aside from the service programs, the Central Intelligence Agency (CIA) Directorate for Operations (DO) was the dominant clandestine HUMINT element in the US, by both charter and capability. The CIA maintained final approval authority over all clandestine operations, which sometimes tended to strain relationships between the CIA and DoD. Generally speaking, operational field elements worked well together, but headquarters and senior staff were in fierce competition for scarce resources, to include trained clandestine case officers with tactical field experience. By the 1980's even the Army's program came under question by its own senior leadership.¹⁵

A major turning point for Army HUMINT resulted from the US Embassy hostage crisis in Tehran, Iran in 1980. Operation Eagle Claw, the ill-fated attempt to secure by military force the release of the hostages from their Iranian captors, revealed institutional shortfalls within US national intelligence and special operations capabilities.¹⁶ At the time of the initial rescue attempt, DoD did not have the access to timely operational and environmental intelligence, the nature of which required reliable human observers.¹⁷ Additionally, because of the closure of the U.S. embassy in 1979, the CIA maintained only a limited presence in Tehran.¹⁸ After the failure of Eagle Claw in April, 1980, U.S. military special operations planners immediately began planning a strategy for a second rescue attempt. However, for an operation of this scope and complexity, a significant augmentation of existing intelligence capabilities was needed.¹⁹ In order to help fill this intelligence void, the Army created a specialized unit of trained HUMINT operators with a blend of unique tactical military and intelligence collection capabilities. The secret unit was established in September, 1980 within the US Army

Intelligence and Security Command (USAINSCOM) and identified as the Field Operations Group (FOG).²⁰ The organization was composed of Special Forces operators trained as HUMINT collectors who were able to pass as local nationals with native language capabilities. The team was subjected to an intense training program specifically designed to provide them the skills necessary to carry out the mission in Iran. The FOG team was trained to perform various covert missions including collecting intelligence inside Iran, taking out military command communications capabilities, surreptitiously destroying or rendering inoperative several radar sites, marking landing zones, conducting diversion missions, among others.²¹ The second attempt never took place,²² because following the initial rescue attempt the Iranians separated the hostages and scattered them about Tehran, making a second attempt extremely difficult.²³

Nonetheless, the FOG operation was deemed a success by senior DoD officials, and the decision was made to retain the program. So on March 3, 1981, the FOG was established as a permanent unit and renamed US Army Intelligence Support Activity (ISA).²⁴ The ISA has continued to function under USAINSCOM under various names over the past twenty years and remains active today supporting special intelligence requirements.

Following on the heels of the failure of Operation Eagle Claw came the October, 1983, terrorists bombing of the US Marine barracks in Beirut, Lebanon killing 242 US Marines. That tragedy resulted in the creation of a group, led by Admiral Robert L.J. Long, USN (Ret) to review the facts surrounding the incident. The group compiled their findings in a comprehensive testimony, known as the Long Commission Report. The

Report, among other things, identified an absence of a collaborative, organic DoD HUMINT enterprise, which could have provided early warning of the terrorist's intentions. The Long Commission recommended the DoD and Military Services thoroughly review their HUMINT programs. The DIA was subsequently tasked by the Secretary of Defense, Caspar Wienberger, to investigate DoD's HUMINT capabilities. The investigation revealed that Defense HUMINT was widely disparate and decentralized among the services. Although the USAINSCOM had the most extensive program at approximately 85 percent of the resources, each service maintained its own organic operating capability.²⁵ Despite these findings little was done to transform DoD HUMINT adequately for nearly ten years.

Following the 1990 Gulf War, the Assistant Secretary of Defense for Command, Control, Communications and Intelligence (ASD(C3I)), anticipated severe budget cuts and the Director of the DIA was again tasked to undertake a comprehensive study of Defense HUMINT. Between 1991 and 1992, the DIA Director met extensively with military services to develop a plan for consolidation of DoD HUMINT under a single umbrella. These sometimes tumultuous meetings culminated in *DoD Directive 5200.37*, "Centralized Management of the Department of Defense Human Intelligence Operations," signed 18 December 1992.²⁶ The Directive ordered the consolidation of the HUMINT activities of DoD, the military services, and the unified and specified commands into a joint program. Most importantly, it required the military service organizations to receive and implement HUMINT tasking from DIA without alteration. This Directive increased the efficiency of DoD HUMINT through centralized management and decentralized execution of service HUMINT operations.²⁷

Subsequently, the Secretary of Defense established the Defense HUMINT Service on 2 November 1993 as the organization under which Defense HUMINT would be consolidated.²⁸

The most recent effort at national intelligence reform occurred as a direct result of the terrorist attacks on September 11th 2001, and the subsequent 9/11 Commission Report. “The Intelligence Reform and Terrorism Prevention Act of 2004,” signed into law by President Bush on December 17, 2004, enacted the most comprehensive overhaul of the national intelligence infrastructure in more than 50 years. The legislation was designed to ensure that the Intelligence Community has the leadership, resources, personnel, coordination, and oversight necessary to counter the security threats of today and the future. Central to the legislation was the creation of a Director of National Intelligence (DNI) to serve as a focal point in charge of and accountable for the entire IC. Under the legislation, the DNI serves as both the head of the IC and the principal intelligence adviser to the President.²⁹ The DNI’s primary roles are intelligence policy development, oversight, coordination and collaboration within the greater intelligence enterprise. In the 2005 National Intelligence Strategy, the DNI provides specific mission objectives geared towards making the intelligence enterprise more unified, coordinated and effective.³⁰ One of the DNI’s stated mission objectives is to develop innovative ways to penetrate and analyze the most difficult targets, such as those we are facing in Iraq. One of the primary means by which this will be accomplished is through the synchronization and integration of HUMINT with our technical intelligence capabilities. As we continue to refine our collection capabilities in Iraq, particularly in the face of diminishing human assets to perform intelligence collection operations, we will become

more reliant on the integration of these technical collection platforms, such as unmanned aerial vehicles and SIGINT sites to supplement the HUMINT effort there.

Another critical element to consider while developing the strategic framework of Defense HUMINT in Iraq are the legal parameters for HUMINT operations. The national authority to conduct intelligence operations, including HUMINT, lies within public law and executive orders. Public Law 108-458³¹ and the more recently published Intelligence Community Directive (ICD) 304³² mandate that the DCIA will serve as the National HUMINT Manager (NHM). The NHM is the focal point within the IC for HUMINT and is responsible for the oversight of the collection of intelligence through human sources and for providing overall direction and coordination of the collection of intelligence outside the US through human sources by elements of the community authorized to undertake such collection. Additionally, the NHM is responsible for proper coordination between all departments, agencies, and elements of the US government authorized to conduct HUMINT collection to ensure that the most effective use is made of resources, and that sufficient consideration is given to the operational risks to those involved in such collection.³³

On 13 October 2005, the DNI announced the creation of the National Clandestine Service (NCS).³⁴ In an attempt to achieve better unity of effort in the field of HUMINT, the CIA's Directorate of Operations and the clandestine operations elements of the DHS were merged to create the NCS.³⁵ The creation of the NCS enhances the IC's clandestine HUMINT capabilities and creates a truly collaborative national clandestine HUMINT effort. It will serve as the national authority for coordination, deconfliction, and evaluation of clandestine HUMINT operations across the IC, both abroad and inside the

United States, consistent with existing laws, executive orders, and interagency agreements.³⁶ While the ODNI will establish policy related to clandestine HUMINT, the NCS will execute and implement that policy across the IC, and Defense HUMINT activities will be coordinated through the NCS.

With respect to foreign intelligence collection in the overseas environment, there are additional considerations regarding the authorities to conduct HUMINT operations. In a foreign country, the senior CIA representative (commonly referred to as the Chief of Station, or COS) serves as the DCIA's personal representative in that country as well as the principal intelligence advisor to the Ambassador. The COS leads the CIA's efforts in the acquisition and handling of human sources and has the sole authority to approve intelligence operations inside his or her country of assignment.³⁷ Within the DoD, the Secretary of Defense (SECDEF) may employ departmental components for the purpose of conducting HUMINT operations, which are also coordinated and deconflicted locally with the COS.

Under the current construct in Iraq, DoD is authorized to conduct both tactical and strategic HUMINT collection in compliance with Title 10 authorities without requiring approval and/or concurrence from the COS. Although COS approval is not required, proper coordination between the two organizations is important to ensure operations are not disrupted. However, following the withdrawal of US military combat forces, the authorities granted under Title 10 will no longer be in effect, and the approval authority will then reside with the COS, in accordance with US Code Title 50, Section 403.

A final consideration is the nature of the US military mission in Iraq. With the termination of combat operations and movement towards peacekeeping and

stabilization, the US is rapidly transitioning from Phase III (Combat) to Phase IV (Stabilization) operations. According to military doctrine, the term used to describe the current mission in Iraq is Stability and Support Operations (SASO). The goal of SASO in Iraq is to provide the Iraqi people a secure environment in which to establish a system of responsible governance and economic growth. SASO's promote and protect US national interests by influencing political, civil, and military environments and by disrupting specific illegal activities.³⁸ The Joint Chiefs of Staff Publication 3-0, "Joint Operations," defines stability operations as an overarching term encompassing various military missions, tasks, and activities conducted outside the United States in coordination with other instruments of national power to maintain or reestablish a safe, secure environment, provide essential government services, emergency infrastructure reconstruction and humanitarian relief.³⁹ Stability and support operations have more diverse political considerations than are usually encountered in war. The U.S. Army FM 100-23 states, "Peace operations take place in environments less well-defined than war...the traditional elements of combat power may not apply...the political and cultural dimensions become more critical...the needs of the commander involved in peace operations are in some ways more complex than those of the commander conducting combat operations."⁴⁰

Intelligence support to SASO provides the Joint Forces Commander (JFC) and senior civilian leadership with an understanding of the operational environment, which is fundamental to the success of joint operations.⁴¹ In Iraq, the JFC exercises control over a multitude of organic and attached intelligence collection and analysis resources. Additionally, the Joint Force J-2 relies on both theater and national intelligence

organizations for support. These resources provide the means to integrate national intelligence capabilities into a comprehensive intelligence effort designed to support the joint and multinational force. This intelligence informs the JFCs about the enemy's activities, their capabilities, and their future intentions. Through local analysis assets, the intelligence process also helps to identify what the adversary is able to discern about friendly forces' activities and intentions. This assists JFCs and their staffs in visualizing the operational environment and in achieving information superiority. The benefits of an active intelligence capability are widely understood in the conventional military combat environment and HUMINT sources are a primary contributor to the JFC's information superiority by helping to discern the non-traditional adversary's intent and future courses of action.⁴²

Intelligence support to SASO will represent a continuing challenge to the intelligence community over the next several years and truly represents the "way ahead" in Iraq as well as other engagements with failed and failing states. These missions require different strategies, procedures and collection methodologies than traditional techniques. Operators must possess an in-depth understanding of the culture, social intricacies, local politics and operational environment to be effective. Additionally, since the majority of SASO missions are performed in coordination with coalition partners, experience operating in a multi-national environment is critical. Although these operations are not performed during combat operations, they are often conducted in hostile or semi-permissible environments and may require sustained commitments. As such, military or paramilitary training may be vital to the security of the collection element. At the service level, this has not been a significant concern, as tactical

HUMINT teams are generally composed of active duty military forces. This has not always been the case with strategic DoD intelligence collection elements, such as the DIA/DH, which is made up of a blend of personnel; some with prior military experience, and others with none. Nonetheless, DH has gained valuable experience supporting SASO since its initial operations in support of peacekeeping efforts in Bosnia and Herzegovina during the late 1990s.

From 1996 through 1999, the newly established DHS collection element “cut its operational teeth” providing intelligence support to SASO in Bosnia.⁴³ Since this was the first major deployment of DHS operators to the field, the organization faced significant challenges ranging from negotiating authorities and command responsibilities, down to the simple logistical hurdles associated with establishing forward operating elements in a semi-permissible environment. Fortunately, DIA’s HUMINT program has developed additional field operating expertise in supporting global stabilization and peacekeeping missions, and has drawn from these experiences to enable them to conduct HUMINT operations in Iraq today.

The two organizations with overall responsibility for HUMINT collection in Iraq are the CIA and the DoD. The CIA’s primary area of responsibility in strategic HUMINT collection in Iraq is in support of national level intelligence requirements, although it also accepts assignments in support of the Combatant Commander and the JFC. Within the DoD, various service and departmental elements conduct both overt and clandestine HUMINT operations in Iraq at the tactical, operational and strategic levels. Select DoD platforms run a variety of operations focusing on both the tactical and strategic objectives, to include those which fall under ICD 304 (formerly DCID 5/1 Foreign

Intelligence Collection). The range of DoD elements performing the full scope of HUMINT missions in Iraq include:⁴⁴

- DIA/DH, which performs strategic foreign intelligence collection in support of the JFC and other, mostly departmental level consumers, although DH responds to national level tasking as well;
- Army Operating Agency (AOA) which runs theater/operational Army HUMINT collection;
- The DOD Strategic Counterintelligence Directorate (SCID), a joint CI investigative unit which focuses on strategic CI and incorporates HUMINT personnel from all branches of the service as well as civilians from other defense agencies;⁴⁵
- US Army Tactical HUMINT Teams (THT) which are focused on force protection and locating persons of interest who may be involved in the planning or conduct of insurgency and terrorist attacks;
- US Air Force Office of Special Investigations which conducts force protection (FP) and CI operations;
- Naval Criminal Investigative Service which conducts FP, CI and criminal investigations using HUMINT sources;
- US Marine Corps HUMINT Exploitation Teams which conducts (FP, CI, criminal investigations, interrogations, etc.;
- Joint Special Operations Task Force elements, which conduct HUMINT collection through Advanced Special Operations Techniques, and perform Level III training programs for Iraqi forces.⁴⁶

These operations are commonly referred to as Military Source Operations (MSO) and fall within DoD's Title 10 authority. The majority of these elements de-conflict their sources using a national source registry, or theater source management database, but the operational lines are not always clearly drawn, and the result has been a complicated and confusing operational environment. Too often, operations, and specifically operational areas, are not coordinated or de-conflicted properly, which results in potentially hazardous situations. For example, a former DoD HUMINT collector in Iraq reported an incident where one IC HUMINT team traveled into the operational area of another organization without proper coordination, leading to misidentification by local security forces, and resulting in a US casualty.⁴⁷ The local team had established liaison with the provincial security forces, and its personnel were well known. When the second team arrived unexpectedly from another province, they were mistaken for a known criminal element in the region because of the nature of their activities. In order to help prevent this type of occurrence in the future, the IC, and specifically DoD must address the issue of consolidation and coordination of operations.

Another strategic challenge for HUMINT operations in Iraq will be the impact of the recently signed Status of Forces Agreement (SOFA), which went into effect on 1 January 2009. The Agreement, once fully implemented, will result in two major changes that will affect the HUMINT community.⁴⁸

Under the provisions of the SOFA, US forces will be required to relocate from all urban environments and consolidate within military compounds outside the major cities.⁴⁹ Presumably, all DoD HUMINT operators would also be required to relocate with the combatant forces, including those involved in clandestine operations. This

arrangement will present a major problem, in that relocation outside the major population centers will result in extended “commutes” for operational personnel, making them more vulnerable to hostile acts, improvised explosive devices (IED) and surveillance. Additionally, under exigent or urgent circumstances, the time lapse between notification and execution may be significant. Overt debriefers, interrogators and overt military source operations could continue to function under these circumstances, but this situation would likely result in an unacceptable risk for clandestine operations, where security, secrecy and timeliness are paramount to success.

The second major impact the SOFA will have on HUMINT operations in Iraq involves contractor support. The majority of the linguists supporting HUMINT teams, both overt and clandestine, are government contract workers. Additionally, much of the logistics and technical communications support provided to these elements is provided by contractors. Under the Agreement, US contractors will have little or no protection under US law. Nothing in the SOFA guarantees that a U.S. citizen contractor arrested in Iraq will get even the most basic due process protections.⁵⁰ The SOFA does not even permit the U.S. Government to detain U.S. citizen contractors who are awaiting trial in Iraqi courts. The SOFA requires that U.S. soldiers and government employees arrested by the Iraqi police will be handed over to U.S. authorities within 24 hours of detention or arrest. However, if the detained American citizen is a contractor, he or she is left entirely to the disposition of the Iraqi system, and will be left to sit in the Iraqi jail awaiting Iraqi justice.⁵¹ Under these circumstances, contract costs will likely increase significantly in order to compensate for the added risk, or the services may be discontinued in their

entirety. As a result, either additional US government personnel will be required to deploy in order to perform the duties normally handed over to contractors, or in the case of linguists, the government will have to hire and train its own personnel to fulfill these requirements, which would take years.

So, the issue facing the US Intelligence Community today is; what is the future for US human intelligence collection activities in Iraq? As the military forces draw down, and the provisions of the recently signed SOFA are implemented, how will the IC, and specifically the HUMINT community, continue to meet the intelligence needs of the civilian and military leadership? Considering the factors related above, the following courses of action are proposed with regard to the strategic architecture of HUMINT in Iraq.

Traditional ICD 304, strategic foreign intelligence operations focusing on political, military, and economic affairs will continue to be authorized, controlled and executed by the CIA Chief of Station as the in-country Title 50 authority. The CIA and its operational capabilities will be relatively unaffected by the implementation of the SOFA and subsequent military drawdown. The CIA is clearly best positioned, legally and otherwise, to carry out its HUMINT function. If an operational requirement emerges for military expertise, the CIA will be well positioned to call upon the Joint Forces Commander for assistance or augmentation, or the Defense Attaché Office, once it is established within the US Embassy.

Since DH sent its initial contingent of HUMINT officers into Afghanistan in 2001, and then Iraq in 2003, the missions there have placed a significant strain on DH organizational resources. The DIA has deferred and realigned a significant segment of

its collection assets, along with the necessary sustainment infrastructure to support the Global War on Terror in these two theaters. This has resulted in a precarious shift of focus away from some of the traditional and emerging potential adversaries, such as China, North Korea, and Venezuela, to name a few. Additionally, the Defense HUMINT elements in Iraq allocate only approximately five percent or less of their efforts to strategic foreign intelligence requirements.⁵² The bulk of their daily activities fall more appropriately within the category of MSO's, which are better performed by service HUMINT elements. As such, DH should redeploy the majority of its strategic collection assets, and all supporting personnel. A small contingent could remain in theater to service high value military targets, under operations coordinated and authorized by the COS, but the platforms should be consolidated onto the military compounds and the operational bases closed.

One of the more recent developments within DH is the creation of the Field Collection Officers (FCO), which are trained in clandestine operational methodology, but to a lesser degree than the traditional DH HUMINT case officer.⁵³ This cadre of intelligence officers was developed beginning in 2004 to bridge the gap between strategic collector and debriefers/interrogators operating in field environments. These assets would serve as an effective alternative to the current DH presence, and free up the limited operational case officers to focus on more strategic global threats. Additionally, since FCOs will be integrated into the JFLCC compounds, a military, rather than civilian posture would be more appropriate. Traditionally, DH personnel have attempted to blend into the environment by attempting to project a low signature posture, but once integrated into the military environment, this tactic would only draw

undue attention to the FCOs, making them more vulnerable to local threats, and potentially compromising their operations.

As long as there are boots on the ground in Iraq the JFLCC will require early warning intelligence assets to identify emerging threats to US forces. These missions are currently performed by Tactical HUMINT Teams and service CI elements, which monitor the “threat pulse” through low level source operations within their specific areas of responsibility. Through their foot patrols and debriefings, these assets serve as the commanders’ local area “eyes and ears,” but also gain access to strategic intelligence targets. As the forces fall back from their current urban locations to rural compounds in compliance with the SOFA, fewer tactical HUMINT assets will be needed to service these sources. As such, this mission should be consolidated, and executed by US Army Operations Activity (AOA) personnel. The AOA’s stated mission is to “conduct human intelligence operations and provide expertise in support of ground component priority intelligence requirements using a full spectrum of human intelligence collection methods.”⁵⁴ The AOA has been actively performing HUMINT operations in both Iraq and Afghanistan, but its presence should be increased in Iraq to support the JFLCC tactical and operational intelligence requirements.

Finally, the Joint Special Operations Task Force must be allowed to continue using their organic HUMINT capabilities to identify adversarial targets and train Iraqi Special Operations Forces. These assets possess the requisite cultural awareness to assist the AOA in its MSO efforts. Additionally, these units are properly trained and equipped to provide instruction to Iraqi forces on counter-insurgency tactics, techniques

and procedures to suppress the flare-ups of insurgency as they arise following the withdrawal of US combat forces.

Although the current US administration maintains a timeline for the withdrawal of all US combat forces from Iraq by August 31, 2010⁵⁵, the US military will maintain a residual presence there. Conventional military forces will partner with the interagency community to support the transition from Phase IV to Phase V operations to ensure the continued growth and development of a stable, self reliant infrastructure. One can also reasonably anticipate Defense HUMINT will undoubtedly play a role in this effort. If implemented, these recommendations will result in a reduced footprint for Defense HUMINT, while creating a synchronized, integrated and more sustainable effort.

Endnotes

¹ Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq* (New York, NY: Penguin Press, 2006), 32

² Central Intelligence Agency, "Annual Report 2003, Support to Operation Iraqi Freedom," https://www.cia.gov/library/reports/archived-reports-1/Ann_Rpt_2003/iraq.html (accessed January 17, 2009).

³ *The Holy Bible*, New International Version, (Thomas Nelson Publishers, 1977) Numbers 13:1-31

⁴ Ibid., Luke 20:19-20

⁵ Samuel B. Griffith, *Sun Tzu: The Art of War* (New York: Oxford University Press, 1971), 144-145

⁶ Gerald W. Hoppole and Bruce W. Watson, *The Military Intelligence Community* (Boulder: Westview Press, 1987), 65.

⁷ U.S. Department of the Army, *Intelligence*, Army Field Manual 2-0 (Washington DC: U.S. Department of the Army, May 2004), 6-1

⁸ Ibid.

⁹ U.S. Secretary of Defense William Perry, "Consolidation of Defense HUMINT," memorandum for Secretaries of the Military Departments, Washington DC, November 2, 1993.

Refers to the "creation of the Defense HUMINT Service on 2 November 1993, to be accomplished by FY 1997, including the transfer of functions, personnel and resources from the Services. DHS achieved initial operating capability on 1 October 1995.

¹⁰ *National Security Act of 1947*, Public Law 235, 80th Cong., (July 26, 1947), Sec. 102A.

¹¹ *Ibid.* Sec 101.

¹² *Intelligence Reform and Terrorism Prevention Act of 2004*, Public Law 108-458, 108th Cong. (December 17, 2004), Sec 103A. Under the Intelligence Reform and Terrorism Prevention Act of 2004, the principle intelligence advisory role to the President and the NSC was transferred from the Director of Central Intelligence to the Director of National Intelligence. Document may be accessed via: <http://intelligence.senate.gov/laws/pl108-458.pdf> (accessed March 10, 2009).

¹³ Jeffrey T. Richelson, "A National Security Archive Electronic Briefing Book," May 23, 2001, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB46> (accessed December 15, 2008). Deputy Secretary of Defense William Perry approved the provisions of the plan for the consolidation of Defense HUMINT in November 1992, which directed the Assistant Secretary of Defense (C3I) to "take the actions necessary to effect the consolidation of Defense HUMINT by Fiscal Year 1997." DHS would be established on a provisional basis on April 1, 1994. By October 1995, it had reached IOC with over 2,000 personnel stationed in over 100 locations.

¹⁴ William E. Odom, *Fixing Intelligence For A More Secure America*, 2nd ed. (New Haven: Yale University Press, 2004), 144

¹⁵ *Ibid.*

¹⁶ Jeffrey T. Richelson, "Once Secret Spy Units: A National Security Archive Electronic Briefing Book," May 23, 2001. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB46/document11.pdf> (accessed March 2 2009). This document provides key data on the creation and evolution of the Intelligence Support Activity. In particular, it explains how the Field Operations Group was formed to provide intelligence support for a possible second rescue mission in Iran, its transformation into ISA, and the approval of an ISA charter in July 1983.

¹⁷ LTG Phillip C. Gast, Director of Operations, Joint Staff, "Intelligence Capability," memoranda for the Director, Defense Intelligence Agency, Washington, DC, December 10, 1980. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB46/document6.pdf> (accessed March 16, 2009)

¹⁸ Michael Smith, *Killer Elite: The Inside Story of America's Most Secret Special Operations Team*, (New York: St. Martin's Press, March 2007), 12

¹⁹ James Holloway, "The Holloway Report," U.S. Joint Chiefs of Staff, August 23, 1980. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB63/doc8.pdf>. (accessed March 10, 2009), 19

²⁰ Jeffrey T. Richelson, "Once Secret Spy Units: A National Security Archive Electronic Briefing Book."

²¹ Smith, *Killer Elite: The Inside Story of America's Most Secret Special Operations Team*.
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²² Richelson, "Once Secret Spy Units: A National Security Archive Electronic Briefing Book," May 23, 2001.

²³ Smith, *Killer Elite: The Inside Story of America's Most Secret Special Operations Team*.
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²⁴ Ibid.

²⁵ Charles F. Scanlon, *The Defense of the Nation – DIA at Forty Years*, (Washington, DC: Defense Intelligence Agency, 2001), 235

²⁶ U.S. Department of Defense, *Centralized Management of Department of Defense Human Intelligence Operations*, DoD Directive 5200.37, (Washington, DC: U.S. Department of Defense, December 18, 1992). http://www.fas.org/irp/doddir/dod/d5200_37.htm (accessed March 10, 2009). This Directive replaced the 1987 directive on DoD HUMINT operations and named the Director of DIA as the DoD HUMINT manager.

²⁷ Ibid.

²⁸ U.S. Secretary of Defense William Perry, "Consolidation of Defense HUMINT," memorandum for Secretaries of the Military Departments, Washington DC, November 2, 1993. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB46/document19.pdf> (accessed March 10, 2009)

²⁹ *Intelligence Reform and Terrorism Prevention Act of 2004*, Section 1011

³⁰ John D. Negroponte, *The National Intelligence Strategy of the United States of America* (Washington, DC: U.S. Government Printing Office, October 2005), 6

³¹ *Intelligence Reform and Terrorism Prevention Act of 2004*, Section 1011

³² Office of the Director of National Intelligence, *Human Intelligence*, Intelligence Community Directive 304 (Washington DC: Office of the Director on National Intelligence, March 6, 2008), 3

³³ Ibid. 3-4

³⁴ Central Intelligence Agency Press Release Archive, "Establishment of the National Clandestine Service," <https://www.cia.gov/news-information/press-releases-statements/press-release-archive-2005/pr10132005.html> (accessed March 2, 2009)

³⁵ Gary Bernstein, *Human Intelligence, Counterterrorism and National Leadership* (Washington DC: Potomac Books, Inc. 2008), 3.

³⁶ Central Intelligence Agency Press Release Archive, "Establishment of the National Clandestine Service."

³⁷ Ibid.

³⁸ U.S. Joint Chiefs of Staff, *Joint Operations*, Joint Publication 3-0, (Washington, DC: U.S. Joint Chiefs of Staff, February 13, 2008), GL-25

³⁹ Ibid.

⁴⁰ U.S. Department of the Army, *Peace Operations*, Field Manual 100-23 (Washington, DC: U.S. Department of the Army, December 30, 1994), v.

⁴¹ U.S. Joint Chiefs of Staff, *Joint and National Intelligence Support to Military Operations*, Joint Publication 2-01 (Washington, DC: U.S. Joint Chiefs of Staff, October 7, 2004), IV-1.

⁴² Ibid.

⁴³ I participated in the DHS effort to establish the first field operating bases in Bosnia and was privy to the negotiations between DHS leadership in Sarajevo, the US embassy country team, and US European Command representatives.

⁴⁴ DIA/DH civilian employee with prior combat arms experience and multiple deployment tours with DHS performing both overt and clandestine operations, whose identity cannot be released due to security restrictions.

⁴⁵ Steven O'Hern, "Intelligence Wars," http://intelligencewars.com/?page_id=81. (accessed March 2, 2009). When the CPA stood down on 1 July 2004, the SCID was created from the personnel in the CPA Counterintelligence office joined by Army counterintelligence agents. The SCID was formed as a unit of the Multi-National Force-Iraq (MNF-I.) The director of the SCID reports to the Deputy Chief of Staff, Intelligence (DCSINT) of the MNF-I. Personnel from the Army, Navy, Air Force, and Marine Corps serve in the SCID along with civilian personnel.

⁴⁶ DIA/DH civilian employee with prior combat arms experience and multiple deployment tours with DHS performing both overt and clandestine operations, whose identity cannot be released due to security restrictions.

⁴⁷ Ibid.

⁴⁸ "Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq," *The New York TimesOnline*, November 17, 2008, http://graphics8.nytimes.com/packages/pdf/world/20081119_SOFA_FINAL_AGREED_TEXT.pdf (accessed March 5, 2009)

⁴⁹ Ibid., Article 24.

⁵⁰ Ibid., Article 12.

⁵¹ Ibid.

⁵² DIA/DH civilian employee with prior combat arms experience and multiple deployment tours with DHS performing both overt and clandestine operations, whose identity cannot be released due to security restrictions.

⁵³ Ibid. These individuals are trained in the tactics, techniques, and procedures of clandestine HUMINT collection in strategic and tactical environments. For additional information on the Field Collector's Course, see the Phoenix Consulting Group website Training Information page: http://www.intellpros.com/traininginfo_fullcatalog.php (accessed March 13, 2009)

⁵⁴ *United States Army Intelligence and Security Command, Army Operations Activity Home Page*, <http://www.inscom.army.mil/MSC/DefaultAOA.aspx?text=off&size=12pt> (accessed March 2, 2009).

⁵⁵ Ben Feller, "Obama Sets Firm Date to End War He Inherited," *Huffington Post Online*, February 27, 2009, http://www.huffingtonpost.com/2009/02/27/obama-to-pull-substantial_n_170496.html# (accessed March 4, 2009).